

NII.8326

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

TERRENCE J. FOREMAN

Plaintiff,

v.

**JOHN DOE DRIVER and
MABE TRUCKING CO., INC.,**

Defendants.

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CIVIL ACTION NO. _____

JURY DEMAND

INDEX OF PLEADINGS FILED IN THE STATE COURT ACTION

TO THE UNITED STATES DISTRICT CLERK:

Pursuant to 28 U.S.C. § 1447(b), attached hereto are the following complete true and correct copies of all documents filed in the state court action:

1. Case Docket Sheet as of 3/15/2017
2. Civil Case Information Sheet (2.15.17)
3. Plaintiff's Original Petition (2.15.17)
4. Citation Issued for Service on Mabe Trucking Co., Inc. (2.16.17)
5. Citation Issued for Service on John Doe Driver (2.16.17)
6. State Court Notices setting on dismissal docket (2.21.17)
7. Return of Service on Mabe Trucking Co., Inc. (3.3.17)
8. Defendant Mabe Trucking Co., Inc.'s Original Answer (3.15.17)

Respectfully submitted,

FEE, SMITH, SHARP & VITULLO, L.L.P.

/s/Michael P. Sharp

MICHAEL P. SHARP

State Bar No. 00788857

msharp@feesmith.com

ADAM J. STRANGE

State Bar No. 24090763

astrange@feesmith.com

Three Galleria Tower

13155 Noel Road, Suite 1000

Dallas, TX 75240

(972) 934-9100

(972) 934-9200 (Fax)

**ATTORNEYS FOR DEFENDANT MABE
TRUCKING CO., INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 15, 2017, the foregoing Notice of Removal was filed with the Clerk of the Court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to all attorneys of record who have consented in writing to accept this Notice as service of documents by electronic means.

Larry Rolle
Rolle, Breeland & Wingler
2030 Main Street, Suite 200
Dallas, Texas 75201

/s/Michael P. Sharp

MICHAEL P. SHARP

Case Information

DC-17-01804 | TERRENCE J FOREMAN vs. JOHN DOE DRIVER, et al

Case Number

DC-17-01804

Court

101st District Court

File Date

02/15/2017

Case Type

MOTOR VEHICLE ACCIDENT

Case Status

OPEN

Party

PLAINTIFF

FOREMAN, TERRENCE J

Address

2030 MAIN STREET

SUITE 200

DALLAS TX 75201

Active Attorneys ▼

Lead Attorney

ROLLE, LAWRENCE F

Retained

Work Phone

214-742-8897

Fax Phone

214-637-6872

DEFENDANT

DOE DRIVER, JOHN

DEFENDANT

MABE TRUCKING CO., INC.

Active Attorneys ▼

Lead Attorney

Address

BY SERVING ITS REGISTERED AGENT ROGER DALE MABE, JR.
1603 MILL AVENUE
EDEN NC 27288

SHARP, MICHAEL PAUL**Retained**

Work Phone

972-934-9100

Fax Phone

972-934-9200**Events and Hearings**

02/15/2017 NEW CASE FILED (OCA) - CIVIL

02/15/2017 ORIGINAL PETITION ▼

POP.OCR.pdf

02/15/2017 CASE FILING COVER SHEET ▼

Civil Case Information Sheet.OCR.pdf

02/15/2017 ISSUE CITATION

02/16/2017 CITATION ISSUED ▼

DC-17-01804.pdf

DC-17-01804-2.pdf

02/16/2017 CITATION ▼

Anticipated Server
ESERVE

Anticipated Method
Anticipated Server
ESERVE

Anticipated Method
Actual Server

OUT OF STATE

Returned
03/03/2017

03/03/2017 RETURN OF SERVICE ▼

MABE

Comment

CIT EXEC 2/24/17 TO MABE TRUCKING CO INC NORTH CAROLINA

03/15/2017 ORIGINAL ANSWER - GENERAL DENIAL ▼

Mabe Trucking Co., Inc.'s Original Answer (3.15.17).pdf

04/14/2017 DISMISSAL FOR WANT OF PROSECUTION ▼

101st Dismissal Letter - 2017

101st Dismissal Letter - 2017

101st Dismissal Letter - 2017

Judicial Officer

WILLIAMS, STACI

Hearing Time

9:00 AM

Financial

FOREMAN, TERRENCE J

Total Financial Assessment

\$295.00

Total Payments and Credits

\$295.00

2/15/2017 Transaction
Assessment

\$295.00

2/15/2017 CREDIT CARD -
TEXFILE (DC)

Receipt # 9350-
2017-DCLK

FOREMAN,
TERRENCE J

(\$295.00)

Documents

POP.OCR.pdf

Civil Case Information Sheet.OCR.pdf

DC-17-01804.pdf

DC-17-01804-2.pdf

101st Dismissal Letter - 2017

101st Dismissal Letter - 2017

101st Dismissal Letter - 2017

MABE

Mabe Trucking Co., Inc.'s Original Answer (3.15.17).pdf

CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

STYLED TERRANCE J. FOREMAN V. JOHN DOE DRIVER, ET ALS

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: <u>Larry Rolle</u> Email: <u>larryr@trbl.com</u> Address: <u>2030 Main Str. Ste. 200</u> Telephone: <u>214-742-8897</u> City/State/Zip: <u>Dallas, TX 75201</u> Fax: <u>214-637-6872</u> Signature: <u>/s/Larry Rolle</u> State Bar No: <u>17212600</u>		Names of parties in case: Plaintiff(s)/Petitioner(s): <u>TERRANCE J. FOREMAN</u> Defendant(s)/Respondent(s): <u>JOHN DOE DRIVER</u> <u>MABE TRUCKING CO. INC.</u> <small>[Attach additional page as necessary to list all parties]</small>		Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____	
2. Indicate case type, or identify the most important issue in the case (select only 1):					
Civil			Family Law		
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____ Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input checked="" type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage: _____	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____ Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____		Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____			
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax: _____		Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____			
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
4. Indicate damages sought (do not select if it is a family law case):					
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input checked="" type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000					

DC-17-01804
NO. _____

Christi Underwood

TERRENCE J. FOREMAN,
Plaintiff,

V.

JOHN DOE DRIVER and MABE
TRUCKING CO., INC.,
Defendants.§
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IN THE DISTRICT COURT

____ JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCOVERY**TO THE HONORABLE JUDGE OF SAID COURT:**

NOW COME TERRENCE J. FOREMAN, hereinafter referred to as Plaintiff, complaining of and about JOHN DOE DRIVER and MABE TRUCKING CO., INC., hereinafter referred to as Defendants, and for cause of action show unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 2. Plaintiff seeks only monetary damages over \$100,000.00 but not more than \$200,000.00, including damages, of any kind, penalties, costs, pre-judgment interest, and attorney fees.

PARTIES AND SERVICE

2. Plaintiff, TERRENCE J. FOREMAN, is an individual residing in Mesquite, Dallas County, Texas.

3. The last three numbers of TERRENCE J. FOREMAN's social security number are 982.

4. Defendant JOHN DOE DRIVER, an Individual, may be served with process at a later date and time. Service of said Defendant as described above can be effected by personal delivery.

5. Defendant MABE TRUCKING CO., INC., is a Corporation doing business in the State of Texas, may be served with process through their registered agent, Roger Dale Made, Jr., 1603 Mill Avenue, Eden, North Carolina 27288.

JURISDICTION AND VENUE

6. The subject matter in controversy is within the jurisdictional limits of this court.

7. This court has jurisdiction over the parties because Defendants are Texas residents.

8. Venue in Dallas County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

FACTS

9. On or about March 3, 2015, Plaintiff TERRENCE J. FOREMAN was traveling southbound on Lancaster Avenue in Dallas, Texas traveling straight in the far left lane when Defendant JOHN DOE DRIVER, driving a truck owned, leased to, or otherwise under the control of Defendant MABE TRUCKING CO., INC., was also traveling southbound on Lancaster Avenue in the middle lane and proceeded to make a U turn causing the rear of the 18 wheeler trailer to collided with Plaintiff's vehicle.

10. At the time of the collision at issue, Defendant JOHN DOE DRIVER was in the course and scope of his employment for Defendant MABE TRUCKING CO., INC.

PLAINTIFF'S CLAIM OF NEGLIGENCE AGAINST JOHN DOE DRIVER

11. Defendant JOHN DOE DRIVER had a duty to exercise the degree of care that a reasonably careful person would use to avoid harm to others under circumstances similar to those

described herein.

12. Plaintiff's injuries were proximately caused by Defendant JOHN DOE DRIVER's negligent, careless and reckless disregard of said duty.

13. The negligent, careless and reckless disregard of duty of Defendant JOHN DOE DRIVER consisted of, but is not limited to, the following acts and omissions:

A. In that Defendant JOHN DOE DRIVER failed to keep a proper lookout for Plaintiff's safety that would have been maintained by a person of ordinary prudence under the same or similar circumstances;

B. In that Defendant JOHN DOE DRIVER failed to turn his tractor trailer to the right or left in an effort to avoid the collision complained of;

C. In that Defendant JOHN DOE DRIVER failed to maintain a clear and reasonable distance between Plaintiff's motor vehicle and his tractor trailer which would permit Defendant JOHN DOE DRIVER to bring his truck to a safe stop without colliding into Plaintiff's motor vehicle;

D. In that Defendant JOHN DOE DRIVER failed to keep such distance away from Plaintiff's motor vehicle as a person using ordinary prudent care would have done;

E. In that Defendant JOHN DOE DRIVER was operating his motor vehicle at a rate of speed which was greater than that would have been operated by a person of ordinary prudence under the same or similar circumstances;

F. In that Defendant JOHN DOE DRIVER made a u-turn when unsafe; and

F. In that Defendant JOHN DOE DRIVER failed to apply his brakes to his truck in a timely and prudent manner and/or wholly failed to apply his brakes.

PLAINTIFF'S CLAIM OF NEGLIGENCE AGAINST MABE TRUCKING CO., INC.

14. Because of the acts and/or omissions of its employee, Defendant MABE TRUCKING CO., INC. is responsible for the actions and/or omissions of its employee under the

doctrine of *respondeat superior* and/or *vicarious liability*.

DAMAGES FOR PLAINTIFF, TERRENCE J. FOREMAN

15. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, TERRENCE J. FOREMAN was caused to suffer severe injuries, and to incur the following damages:

- A. Reasonable medical care and expenses in the past in the amount of \$7,874.46. These expenses were incurred by Plaintiff, TERRENCE J. FOREMAN for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in Dallas County, Texas;
- B. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- C. Physical pain and suffering in the past;
- D. Physical pain and suffering in the future;
- E. Physical impairment in the past;
- F. Physical impairment which, in all reasonable probability, will be suffered in the future;
- G. Mental anguish in the past;
- H. Mental anguish in the future; and
- I. Lost wages.

DISCOVERY REQUEST

A. Request for Disclosure

Defendants are hereby requested to disclose, within fifty (50) days of service of this petition and incorporated request, the information or material described in Rule 194.2(a)-(i) of the Texas Rules of Civil Procedure, to the undersigned counsel of record for Plaintiff.

B. Interrogatories

Defendants are hereby requested to answer, within fifty (50) days of service this petition and incorporated request, the interrogatories attached hereto as "Exhibit A," separately, fully, in writing, and under oath, pursuant to Rule 197 of the Texas Rules of Civil Procedure, to the undersigned counsel of record for Plaintiff.

C. Request For Production

Defendants are hereby requested to produce, within fifty (50) days of service of this petition and incorporated request the documents and tangible items in the list attached hereto as "Exhibit B," pursuant to Rule 196 of the Texas Rules of Civil Procedure, to the undersigned counsel of record for Plaintiff.

D. Request For Admissions

Defendants are hereby requested to admit or deny, in writing, within fifty (50) days of service of this petition and incorporated request, the propositions of fact and/or law attached hereto as "Exhibit C," pursuant to Rule 198 of the Texas Rules of Civil Procedure, to the undersigned counsel of record for Plaintiff.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, **TERRENCE J. FOREMAN** respectfully pray that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiffs against Defendants, jointly and severally, for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiffs may be entitled at law or in equity.

Respectfully submitted,
ROLLE, BREELAND & WINGLER

/s/Larry Rolle
LARRY ROLLE
State Bar No. 17212600

2030 Main Street, Suite 200
Dallas, Texas 75201
larryr@rbrl.com
Tel: (214) 742-8897
Fax: (214) 637-6872

"EXHIBIT A"

DEFINITIONS AND INSTRUCTIONS

1. As used herein, the terms "you" and "your" shall refer to the Defendant who the requests are directed to, that named Defendant's attorneys, agents, and all other natural persons or business or legal entities acting or purporting to act for or on behalf of that named Defendant, whether authorized to do so or not.

2. As used herein, the term "collision" shall refer to the collision that occurred on March 3, 2015 and that makes the basis of this suit.

3. As used herein, the term "documents" shall mean all writings of every kind, source and authorship, both originals and all nonidentical copies thereof, in your possession, custody, or control, or known by you to exist, irrespective of whether the writing is one intended for or transmitted internally by you, or intended for or transmitted to any other person or entity, including without limitation any government agency, department, administrative, or private entity or person. The term shall include handwritten, typewritten, printed, photocopied, photographic, or recorded matter. It shall include communications in words, symbols, pictures, sound recordings, films, tapes, and information stored in, or accessible through, computer or other information storage or retrieval systems, together with the codes and/or programming instructions and other materials necessary to understand and use such systems. For purposes of illustration and not limitation, the term shall include: affidavits; agendas; agreements; analyses; announcements; bills, statements, and other records of obligations and expenditures; books; brochures; bulletins; calendars; canceled checks, vouchers, receipts and other records of payments; charts or drawings; check registers; checkbooks; circulars; collateral files and contents; contracts; corporate bylaws; corporate charters; correspondence; credit files and contents; deeds of trust; deposit slips; diaries; drafts; files; guaranty agreements; instructions; invoices; ledgers, journals, balance sheets, profit and loss statements, and other sources of financial data; letters; logs, notes, or memoranda of telephonic or face-to-face conversations; manuals; memoranda of all kinds, to and from any persons, agencies, or entities; minutes; minute books; notes; notices; parts lists; papers; press releases; printed matter (including books, articles, speeches, and newspaper clippings); purchase orders; records; records of administrative, technical, and financial actions taken or recommended; reports; safety deposit boxes and contents and records of entry; schedules; security agreements; specifications; statements of bank accounts; statements; interviews; stock transfer ledgers; technical and engineering reports, evaluations, advice, recommendations, commentaries, conclusions, studies, test plans, manuals, procedures, data, reports, results, and conclusions; summaries, notes, and other records and recordings of any conferences, meetings, visits, statements, interviews or telephone conversations; telegrams; teletypes and other communications sent or received; transcripts of testimony; UCC instruments; work papers; and all other writings, the contents of which relate to, discuss, consider, or otherwise refer to the subject matter of the particular discovery requested.

4. In accordance with Tex. R. Civ. P. Rule 192.7, a document is deemed to be in

your possession, custody or control if you either have physical possession of the item or have a right to possession of the item that is equal or superior to the person who has physical control of the item.

5. "Person": The term "person" shall include individuals, associations, partnerships, corporations, and any other type of entity or institution whether formed for business purposes or any other purposes.

6. "Identify" or "Identification":

(a) When used in reference to a person, "identify" or "identification" means to state his or her full name, present or last known residence address, present or last known business address and telephone number.

(b) When used in reference to a public or private corporation, governmental entity, partnership or association, "identify" or "identification" means to state its full name, present or last known business address or operating address, the name of its Chief Executive Officer and telephone number.

(c) When used in reference to a document, "identify" or "identification" shall include statement of the following:

(i) the title, heading, or caption, if any, of such document;

(ii) the identifying number(s), letter(s), or combination thereof, if any; and the significance or meaning of such number(s), letter(s), or combination thereof, if necessary to an understanding of the document and evaluation of any claim of protection from discovery;

(iii) the date appearing on such document; if no date appears thereon, the answer shall so state and shall give the date or approximate date on which such document was prepared;

(iv) the number of pages and the general nature or description of such document (i.e., whether it is a letter, memorandum, minutes of a meeting, etc.), with sufficient particularity so as to enable such document to be precisely identified;

(v) the name and capacity of the person who signed such document; if it was not signed, the answer shall so state and shall give the name of the person or persons who prepared it;

(vi) the name and capacity of the person to whom such document was addressed and the name and capacity of such person, other than such addressee, to

whom such document, or a copy thereof, was sent; and

(vii) the physical location of the document and the name of its custodian or custodians.

7. "Settlement": as used herein, means:

(a) an oral or written, disclosed or undisclosed agreement, bargain, contract, settlement, partial settlement, limited settlement, arrangement, deal, understanding, loan arrangement, credit arrangement, contingent settlement, limitation on the amount of liability or judgment, or a promise by or between plaintiff and any defendant or between any defendant herein whereby plaintiff or defendant have in any way released, compromised, in whole or in part, directly or indirectly, or agreed to do so in the future, any of the matters in controversy in this lawsuit whether before, after or during trial or before or after any jury verdict is returned herein or a judgment is entered or rendered herein.

(b) any resolution of the differences between the plaintiff and defendant by loan to the plaintiff or any other device which is repayable in whole or in part out of any judgment the plaintiff may recover against defendant.

(c) The term "settlement" shall also include "Mary Carter Agreements" as that term is used under Texas Law.

8. Unless a specific date or dates is set forth in any specific question herein, you are directed that each question shall be answered for the period of time up to and including the present date.

**PLAINTIFF'S FIRST SET OF INTERROGATORIES
TO DEFENDANT JOHN DOE DRIVER**

1. Please state the full name, address, telephone number, date of birth, driver's license number, social security number, and occupation of the person answering these interrogatories.

ANSWER:

2. State the style, court and cause number of any lawsuit you have been a party to and the final disposition of said suit within the last five (5) years.

ANSWER:

3. For the last five (5) years, list your traffic violation record, including but not limited to any citation, ticket, or warning received in connection with the collision made the basis of this lawsuit. With respect to any such citation or ticket received in connection with the collision made the basis of this lawsuit, please state the disposition, your exact plea, any amount(s) you paid in fees or fines, and any other penalties assessed against you or corrective actions undertaken by you (i.e, jail time, community service, restitution, defensive driving course, etc.).

ANSWER:

4. If, in the past ten (10) years, you have ever been arrested, charged with, or convicted of any crime (including as a result of the occurrence made the basis of this lawsuit), please state what you have been arrested for charged with, or convicted of, and state the date, place, and ultimate disposition of the offenses.

ANSWER:

5. Please state whether you have ever been involved in another motor vehicle accident. If so, please list the date and location of such accident, the parties involved (including name, address and telephone number) and a factual description of the accident.

ANSWER:

6. Please state whether your driver's license has ever been suspended or revoked; if the

answer is "yes", please state from what date it was suspended or revoked, upon what date it became reinstated (if applicable), under what circumstances it became suspended or revoked, and the entity or agency which declared it to be suspended or revoked.

ANSWER:

7. If you consumed any alcoholic beverage or any type of drug (whether prescription, non-prescription, over the counter, recreational, or illegal) in the twelve (12) hour period immediately preceding the collision, please state what was consumed, the time it was consumed, the quantity you consumed, the place where you consumed it, and identify by name, address, and telephone number any other person(s) present when you consumed it.

ANSWER:

8. If you contend that you were injured in the collision, please describe the injuries sustained. If medical attention was necessary, when did you first see a physician regarding these injuries?

ANSWER:

9. Have you, your agents, investigators or attorneys or anyone acting on your behalf obtained a written or recorded statement of any kind, report or memorandum, whether recorded stenographically transcribed, oral or otherwise from any person. If so, please identify the individual from whom the statement was taken and the date the statement was taken. If so, then please also indicate your willingness to allow Plaintiff to inspect and copy or photograph the same.

ANSWER:

10. Please state completely and fully all representations, statements, declarations or admissions made by Plaintiff or any agent, servant employee of Plaintiff. Include in your answer when the communication was made, the total verbatim communication and, if that is not possible, then state the detailed substance of the communication, by whom the communication was made, where such communication took place, and all persons present when such communication was made.

ANSWER:

11. Do you contend that Plaintiff violated any traffic laws at the time or immediately prior to the collision? If so, describe what you contend to be the violation or give the statute

number of the violation.

ANSWER:

12. State the name and address of the owner and all occupants of the vehicle which you were operating at the time of the collision.

ANSWER:

13. Please state where you had been just prior to the collision, where you were going at the time of the collision, and the purpose of the trip.

ANSWER:

14. Please give a detailed description of exactly how the collision occurred. Please indicate in your description the speed or estimated speed that the vehicles were traveling at the time of the incident. Please draw a diagram to indicate the location of the collision and the direction that the vehicles were traveling at the time of the collision.

ANSWER:

15. Describe any insurance agreement under which any insurance business may be liable to satisfy part or all of the judgment which may be entered in this action, or to indemnify or reimburse for payments made to satisfy the judgment, by stating the name of the person or entity insured, the name of the insurer, and the amount of any liability insurance coverage.

ANSWER:

16. If the amount of the stated coverage of any liability insurance policy you have described above is subject to change or reduction by reason of prior claims during the applicable policy period, by reason of attorney expenses in the defense of this or other claims, or for any other reason, state the present amount remaining under such coverage available to pay any judgment in this case, and describe in detail how the sum was arrived at.

ANSWER:

17. If the insurance policy you have described above is a single limit policy, state what amounts have been paid to any other claimant that would serve to reduce the amount of available coverage under such policy.

ANSWER:

18. Describe the unknown vehicle that you claim hit you and pushed you into Plaintiff's vehicle.

ANSWER:

19. Are you aware of any witnesses to the collision? If so, please state each witness's name, address and telephone number.

ANSWER:

20. At the time of the collision, were you operating your cell phone in anyway?

ANSWER:

21. Did you contact anyone immediately following the collision? If so, please give the name of each individual you contacted and explain, in detail, the conversation between you and each individual.

ANSWER:

VERIFICATION

STATE OF TEXAS

§

§

COUNTY OF _____

§

BEFORE ME, the undersigned authority, personally appeared JOHN DOE DRIVER, who stated, upon oath, that the statements made in the foregoing instrument are within her personal knowledge and are true and correct.

JOHN DOE DRIVER

SUBSCRIBED AND SWORN TO BEFORE ME on this _____ day of _____ 2017, to certify which witness my hand and seal of office.

Notary Public, State of Texas

**PLAINTIFF'S FIRST SET OF INTERROGATORIES
TO DEFENDANT MABE TRUCKING CO., INC.**

1. Please state the full name, address, telephone number, date of birth, driver's license number, social security number, and occupation of the person answering these interrogatories.

ANSWER:

2. State the style, court and cause number of any lawsuit you have been a party to and the final disposition of said suit within the last five (5) years.

ANSWER:

3. If, in the past ten (10) years, you have ever been arrested, charged with, or convicted of any crime (including as a result of the occurrence made the basis of this lawsuit), please state what you have been arrested for charged with, or convicted of, and state the date, place, and ultimate disposition of the offenses.

ANSWER:

4. If you contend that your vehicle was damaged in the collision, please describe the damage incurred and the cost of repairing said damage.

ANSWER:

5. Have you, your agents, investigators or attorneys or anyone acting on your behalf obtained a written or recorded statement of any kind, report or memorandum, whether recorded stenographically transcribed, oral or otherwise from any person. If so, please identify the individual from whom the statement was taken and the date the statement was taken. If so, then please also indicate your willingness to allow Plaintiff to inspect and copy or photograph the same.

ANSWER:

6. Please state completely and fully all representations, statements, declarations or admissions made by Plaintiff or any agent, servant employee of Plaintiff. Include in your answer when the communication was made, the total verbatim communication and, if that is not possible, then state the detailed substance of the communication, by whom the communication was made, where such communication took place, and all persons present

when such communication was made.

ANSWER:

7. Describe any insurance agreement under which any insurance business may be liable to satisfy part or all of the judgment which may be entered in this action, or to indemnify or reimburse for payments made to satisfy the judgment, by stating the name of the person or entity insured, the name of the insurer, and the amount of any liability insurance coverage.

ANSWER:

8. If the amount of the stated coverage of any liability insurance policy you have described above is subject to change or reduction by reason of prior claims during the applicable policy period, by reason of attorney expenses in the defense of this or other claims, or for any other reason, state the present amount remaining under such coverage available to pay any judgment in this case, and describe in detail how the sum was arrived at.

ANSWER:

9. If the insurance policy you have described above is a single limit policy, state what amounts have been paid to any other claimant that would serve to reduce the amount of available coverage under such policy.

ANSWER:

10. What is your relationship to Defendant JOHN DOE DRIVER?

ANSWER:

11. Why was Defendant JOHN DOE DRIVER driving your vehicle at the time of the collision?

ANSWER:

12. At the time of the collision, were you aware of any prior traffic violations against Defendant JOHN DOE DRIVER? If so, name each violation you were aware of.

ANSWER:

13. At the time of the collision, were you aware of any prior motor vehicle accidents caused by Defendant JOHN DOE DRIVER? Is so, describe each accident that you were aware of including, but not limited to, the date of the accident(s), description of the accident(s), and the names, addresses and telephone numbers of all individuals involved.

ANSWER:

14. What were you doing at the time of the collision?

ANSWER:

15. Did Defendant JOHN DOE DRIVER contact you immediately following the collision? If so, explain, in detail, the conversation between you and Defendant JOHN DOE DRIVER.

ANSWER:

VERIFICATION

STATE OF TEXAS

§

§

COUNTY OF _____

§

BEFORE ME, the undersigned authority,

personally appeared BE TRUCKING CO., INC.

who stated, upon oath, that the statements made in the foregoing instrument are within her personal knowledge and are true and correct.

MABE TRUCKING CO., INC.

SUBSCRIBED AND SWORN TO BEFORE ME on this _____ day of

_____, 2017, to certify which witness my hand and seal of office.

Notary Public, State of Texas

"EXHIBIT B"

DEFINITIONS AND INSTRUCTIONS

1. As used herein, the terms "you" and "your" shall refer to the Defendant who the requests are directed to, that named Defendant's attorneys, agents, and all other natural persons or business or legal entities acting or purporting to act for or on behalf of that named Defendant, whether authorized to do so or not.

2. As used herein, the term "documents" shall mean all writings of every kind, source and authorship, both originals and all nonidentical copies thereof, in your possession, custody, or control, or known by you to exist, irrespective of whether the writing is one intended for or transmitted internally by you, or intended for or transmitted to any other person or entity, including without limitation any government agency, department, administrative, or private entity or person. The term shall include handwritten, typewritten, printed, photocopied, photographic, or recorded matter. It shall include communications in words, symbols, pictures, sound recordings, films, tapes, and information stored in, or accessible through, computer or other information storage or retrieval systems, together with the codes and/or programming instructions and other materials necessary to understand and use such systems. For purposes of illustration and not limitation, the term shall include: affidavits; agendas; agreements; analyses; announcements; bills, statements, and other records of obligations and expenditures; books; brochures; bulletins; calendars; canceled checks, vouchers, receipts and other records of payments; charts or drawings; check registers; checkbooks; circulars; collateral files and contents; contracts; corporate bylaws; corporate charters; correspondence; credit files and contents; deeds of trust; deposit slips; diaries or drafts; files; guaranty agreements; instructions; invoices; ledgers, journals, balance sheets, profit and loss statements, and other sources of financial data; letters; logs, notes, or memoranda of telephonic or face-to-face conversations; manuals; memoranda of all kinds, to and from any persons, agencies, or entities; minutes; minute books; notes; notices; parts lists; papers; press releases; printed matter (including books, articles, speeches, and newspaper clippings); purchase orders; records; records of administrative, technical, and financial actions taken or recommended; reports; safety deposit boxes and contents and records of entry; schedules; security agreements; specifications; statements of bank accounts; statements or interviews; stock transfer ledgers; technical and engineering reports, evaluations, advice, recommendations, commentaries, conclusions, studies, test plans, manuals, procedures, data, reports, results, and conclusions; summaries, notes, and other records and recordings of any conferences, meetings, visits, statements, interviews or telephone conversations; telegrams; teletypes and other communications sent or received; transcripts of testimony; UCC instruments; work papers; and all other writings, the contents of which relate to, discuss, consider, or otherwise refer to the subject matter of the particular discovery requested.

3. In accordance with Tex. R. Civ. P. Rule 192.7, a document is deemed to be in your possession, custody or control if you either have physical possession of the item or have a right to possession of the item that is equal or superior to the person who has physical control of the item.

4. "Person" or "persons" means any natural persons, firms, partnerships, associations, joint ventures, corporations and any other form of business organization or arrangement, as well as governmental or quasi-governmental agencies. If other than a natural person, include all natural persons associated with such entity.

5. Any and all data or information which is in electronic or magnetic form should be produced in a reasonable manner.

USE OF DEFINITIONS

The use of any particular gender in the plural or singular number of the words defined under paragraph "1", "Definitions" is intended to include the appropriate gender or number as the text of any particular request for production of documents may require.

TIME PERIOD

Unless specifically stated in a request for production of documents, all information herein requested is for the entire time period from March 3, 2015, through the date of production of documents requested herein.

**PLAINTIFF'S FIRST REQUEST FOR PRODUCTION
TO DEFENDANT JOHN DOE DRIVER**

1. All photographs taken in connection with Plaintiff's cause of action in the possession, constructive possession, custody or control of JOHN DOE DRIVER's attorney or anyone acting on JOHN DOE DRIVER's behalf.
2. All photographs taken of the scene of the accident or the surrounding area of the scene of the accident in the possession, constructive possession, custody or control of JOHN DOE DRIVER, JOHN DOE DRIVER's attorney or anyone acting on JOHN DOE DRIVER's behalf.
3. All photographs taken of Plaintiff which may be in the possession, constructive possession, custody or control of JOHN DOE DRIVER, JOHN DOE DRIVER's attorney or anyone acting on JOHN DOE DRIVER's behalf.
4. All pictures, motion pictures, movies, films, or photographic material of any kind taken of Plaintiff which are in the possession, constructive possession, custody or control of JOHN DOE DRIVER, JOHN DOE DRIVER's attorney or anyone acting on JOHN DOE DRIVER's behalf.
5. All pictures, motion pictures, movies, films, or photographic material of any kind concerning the scene, vehicles, products or the events and happenings made the basis of the lawsuit taken before, during or after the accident in question which are in the possession, constructive possession, custody or control of JOHN DOE DRIVER, JOHN DOE DRIVER's attorney or anyone acting on JOHN DOE DRIVER's behalf.
6. Copies of estimates, invoices, and/or any other written documentation which were prepared as a result of the damage to any vehicles involved in the accident made the basis of Plaintiff's lawsuit.
7. All written statements made by Plaintiff, which are in the possession, constructive possession, custody or control of JOHN DOE DRIVER, JOHN DOE DRIVER's attorney or anyone acting on JOHN DOE DRIVER's behalf.
8. All oral statements made by Plaintiff which were either recorded or taped on an electronic device or recorder which are in the possession, constructive possession, custody or control of JOHN DOE DRIVER, JOHN DOE DRIVER's attorney or anyone acting on behalf of JOHN DOE DRIVER.
9. Any and all copies of investigation documentation, reports and/or memoranda made by or submitted to JOHN DOE DRIVER, as a result of the accident which has been made the basis of Plaintiff's lawsuit.

10. Any and all written communications, including but not limited to letters and/or memorandums, between agents, employees and/or representatives of JOHN DOE DRIVER that JOHN DOE DRIVER prepared as a result of the accident made the basis of Plaintiff's lawsuit.
11. A copy of your automobile insurance policy including, but not limited to, the Declarations page.
12. A copy of your driving record for the past five (5) years from any and all states including, but not limited to Texas.
13. A copy of your current driver's license.
14. A copy of all documents and correspondence between you and your insurance carrier.
15. A copy of any and all documents regarding any traffic citations you received in the past five (5) years.

**PLAINTIFF'S FIRST REQUEST FOR PRODUCTION
TO DEFENDANT MABE TRUCKING CO., INC.**

1. All photographs taken in connection with Plaintiff's cause of action in the possession, constructive possession, custody or control of MABE TRUCKING CO., INC.'s attorney or anyone acting on MABE TRUCKING CO., INC.'s behalf.
2. All photographs taken of the scene of the accident or the surrounding area of the scene of the accident in the possession, constructive possession, custody or control of MABE TRUCKING CO., INC., MABE TRUCKING CO., INC.'s attorney or anyone acting on MABE TRUCKING CO., INC.'s behalf.
3. All photographs taken of Plaintiff which may be in the possession, constructive possession, custody or control of MABE TRUCKING CO., INC., MABE TRUCKING CO., INC.'s attorney or anyone acting on MABE TRUCKING CO., INC.'s behalf.
4. All pictures, motion pictures, movies, films, or photographic material of any kind taken of Plaintiff which are in the possession, constructive possession, custody or control of MABE TRUCKING CO., INC., MABE TRUCKING CO., INC.'s attorney or anyone acting on MABE TRUCKING CO., INC.'s behalf.
5. All pictures, motion pictures, movies, films, or photographic material of any kind concerning the scene, vehicles, products or the events and happenings made the basis of the lawsuit taken before, during or after the accident in question which are in the possession, constructive possession, custody or control of MABE TRUCKING CO., INC., MABE TRUCKING CO., INC.'s attorney or anyone acting on MABE TRUCKING CO., INC.'s behalf.
6. Copies of estimates, invoices, and/or any other written documentation which were prepared as a result of the damage to any vehicles involved in the accident made the basis of Plaintiff's lawsuit.
7. All written statements made by Plaintiff, which are in the possession, constructive possession, custody or control of MABE TRUCKING CO., INC., MABE TRUCKING CO., INC.'s attorney or anyone acting on MABE TRUCKING CO., INC.'s behalf.
8. All oral statements made by Plaintiff which were either recorded or taped on an electronic device or recorder which are in the possession, constructive possession, custody or control of MABE TRUCKING CO., INC., MABE TRUCKING CO., INC.'s attorney or anyone acting on behalf of MABE TRUCKING CO., INC..
9. Any and all copies of investigation documentation, reports and/or memoranda made by or submitted to MABE TRUCKING CO., INC., as a result of the accident which has been

made the basis of Plaintiff's lawsuit.

10. Any and all written communications, including but not limited to letters and/or memorandums, between agents, employees and/or representatives of MABE TRUCKING CO., INC. that MABE TRUCKING CO., INC. prepared as a result of the accident made the basis of Plaintiff's lawsuit.
11. A copy of your automobile insurance policy including, but not limited to, the Declarations page.
12. A copy of all documents and correspondence between you and your insurance carrier.

“EXHIBIT C”

**PLAINTIFF’S FIRST REQUEST FOR ADMISSIONS
TO DEFENDANT JOHN DOE DRIVER**

1. You failed to control your speed and caused the collision made the basis of this lawsuit.

ADMIT OR DENY:

2. You failed to properly apply your brakes.

ADMIT OR DENY:

3. You did not operate your motor vehicle as a reasonable driver of ordinary prudence would have done in the same or similar circumstances.

ADMIT OR DENY:

4. You are not claiming any negligence or responsibility on the part of Plaintiffs with regard to the collision.

ADMIT OR DENY:

5. You failed to keep your vehicle a safe distance away from Plaintiff’s vehicle.

ADMIT OR DENY:

6. Your negligence proximately caused the collision.

ADMIT OR DENY:

7. Your driver’s license has been suspended on at least one occasion prior to this accident.

ADMIT OR DENY:

8. You have been convicted of more than one traffic violation prior to this accident.

ADMIT OR DENY:

9. Your negligence caused bodily injuries to Plaintiff.

ADMIT OR DENY:

10. Your negligence caused pain and suffering to Plaintiff.

ADMIT OR DENY:

11. Your negligence caused physical impairment to Plaintiff.

ADMIT OR DENY:

12. Your negligence caused mental anguish to Plaintiff.

ADMIT OR DENY:

13. As a result of your negligence, Plaintiffs incurred medical expenses.

ADMIT OR DENY:

14. Your negligence caused Plaintiffs to incur a loss of earning capacity in the past.

ADMIT OR DENY:

15. At the time of the collision, Defendant MABE TRUCKING CO., INC. allowed you to drive his vehicle.

ADMIT OR DENY:

16. At the time of the collision, Defendant MABE TRUCKING CO., INC. knew you were a reckless driver.

ADMIT OR DENY:

**PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANT MABE
TRUCKING CO., INC.**

1. You owned the vehicle driven by Defendant JOHN DOE DRIVER at the time of the collision.

ADMIT OR DENY:

2. At the time of the collision, you allowed Defendant JOHN DOE DRIVER to drive your vehicle.

ADMIT OR DENY:

3. At the time of the collision, you knew Defendant JOHN DOE DRIVER was an inexperienced driver.

ADMIT OR DENY:

4. At the time of the collision, you knew Defendant JOHN DOE DRIVER was a careless driver.

ADMIT OR DENY:

5. At the time of the collision, you knew Defendant JOHN DOE DRIVER was a reckless driver.

ADMIT OR DENY:

6. At the time of the collision, you knew Defendant JOHN DOE DRIVER had a least one prior traffic violation.

ADMIT OR DENY:

7. You are not claiming any negligence or responsibility on the part of Plaintiff with regard to the collision.

ADMIT OR DENY:

8. Your negligent entrustment caused bodily injuries to Plaintiff.

ADMIT OR DENY:

9. Your negligent entrustment pain and suffering to Plaintiff.

ADMIT OR DENY:

10. Your negligent entrustment caused physical impairment to Plaintiff.

ADMIT OR DENY:

11. Your negligent entrustment caused mental anguish to Plaintiff.

ADMIT OR DENY:

12. As a result of your negligent entrustment, Plaintiff incurred medical expenses.

ADMIT OR DENY:

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

**To: MABE TRUCKING CO INC
BY SERVING ITS REGISTERED AGENT ROGER DALE MADE JR
1603 MILL AVENUE
EDEN NORTH CAROLINA 27288**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **101st District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **TERRENCE J FOREMAN**

Filed in said Court **15th day of February, 2017** against

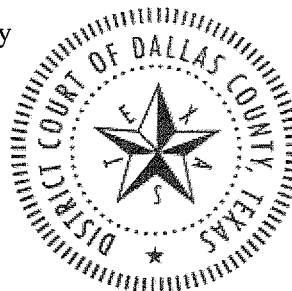
JOHN DOE DRIVER AND MABE TRUCKING CO INC

For Suit, said suit being numbered **DC-17-01804**, the nature of which demand is as follows:
Suit on **MOTOR VEHICLE ACCIDENT** etc. as shown on said petition, **REQUEST FOR DISCLOSURE, INTERROGATORIES, REQUEST FOR PRODUCTION, AND REQUEST FOR ADMISSIONS**, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 16th day of February, 2017.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By /s/ Gay Lane, Deputy
GAY LANE



ESERVE

CITATION

DC-17-01804

**TERRENCE J FOREMAN
vs.
JOHN DOE DRIVER, et al**

**ISSUED THIS
16th day of February, 2017**

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: GAY LANE, Deputy

**Attorney for Plaintiff
LAWRENCE F ROLLE
ROLLE BREELAND & WINGLER
2030 MAIN STREET SUITE 200
DALLAS TX 75201
214-742-8897**

**DALLAS COUNTY
SERVICE FEES
NOT PAID**

OFFICER'S RETURN

Case No. : DC-17-01804

Court No. 101st District Court

Style: TERRENCE J FOREMAN

vs.

JOHN DOE DRIVER, et al

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____ M. Executed at _____,
within the County of _____ at _____ o'clock _____ M. on the _____ day of _____,
20_____, by delivering to the within named

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by
me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20_____,

to certify which witness my hand and seal of office.

Notary Public _____ County _____

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To: **JOHN DOE DRIVER**
BY SERVING ITS REGISTERED AGENT ROGER DALE MADE JR
1603 MILL AVENUE
EDEN NORTH CAROLINA 27288

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **101st District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **TERRENCE J FOREMAN**

Filed in said Court **15th day of February, 2017** against

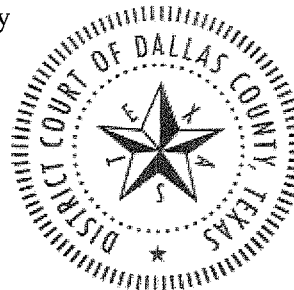
JOHN DOE DRIVER AND MABE TRUCKING CO INC

For Suit, said suit being numbered **DC-17-01804**, the nature of which demand is as follows:
Suit on **MOTOR VEHICLE ACCIDENT** etc. as shown on said petition, **REQUEST FOR DISCLOSURE, INTERROGATORIES, REQUEST FOR PRODUCTION, AND REQUEST FOR ADMISSIONS**, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 16th day of February, 2017.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By/s/ Gay Lane, Deputy
GAY LANE



ESERVE

CITATION

DC-17-01804

TERRENCE J FOREMAN
vs.
JOHN DOE DRIVER, et al

ISSUED THIS
16th day of February, 2017

FELICIA PITRE
Clerk District Courts,
Dallas County, Texas

By: GAY LANE, Deputy

Attorney for Plaintiff
LAWRENCE F ROLLE
ROLLE BREELAND & WINGLER
2030 MAIN STREET SUITE 200
DALLAS TX 75201
214-742-8897

DALLAS COUNTY
SERVICE FEES
NOT PAID

OFFICER'S RETURN

Case No. : DC-17-01804

Court No. 101st District Court

Style: TERRENCE J FOREMAN

vs.

JOHN DOE DRIVER, et al

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____ .M. Executed at _____,
within the County of _____ at _____ o'clock _____ .M. on the _____ day of _____,
20_____, by delivering to the within named

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by
me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20_____,
to certify which witness my hand and seal of office.

Notary Public _____ County _____



101st JUDICIAL DISTRICT COURT
GEORGE L. ALLEN COURTS BUILDING
600 COMMERCE STREET
DALLAS, TEXAS 75202-4604

February 21, 2017

LAWRENCE F ROLLE
ROLLE BREELAND & WINGLER
2030 MAIN STREET SUITE 200
DALLAS TX 75201

Cause No: DC-17-01804

TERRENCE J FOREMAN
vs.
JOHN DOE DRIVER, et al

ALL COUNSEL OF RECORD AND PRO SE PARTIES:

The above case is set for dismissal, pursuant to Rule 165A, Texas Rules of Civil Procedure and pursuant to the inherent power of the Court, on:

April 14, 2017 at 9:00 AM

If no answer has been filed, you are expected to have moved for a default judgment on or prior to that date. Your failure to have done so will result in the dismissal of the case on the above date.

If you have been unable to obtain service of process and you wish to retain the case on the docket, you must appear on the above date, unless you have obtained a new setting from the court coordinator.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Walker".

District Judge,
101st Judicial District Court

CC: JOHN DOE DRIVER; MABE TRUCKING CO., INC.; LAWRENCE F ROLLE



101st JUDICIAL DISTRICT COURT
GEORGE L. ALLEN COURTS BUILDING
600 COMMERCE STREET
DALLAS, TEXAS 75202-4604

February 21, 2017

MABE TRUCKING CO., INC.
BY SERVING ITS REGISTERED AGENT ROGER DALE MABE JR
1603 MILL AVENUE
EDEN NC 27288

Cause No: DC-17-01804

TERRENCE J FOREMAN
vs.
JOHN DOE DRIVER, et al

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Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Walker", written in black ink.

District Judge,
101st Judicial District Court

CC: JOHN DOE DRIVER; MABE TRUCKING CO., INC.; LAWRENCE F ROLLE



101st JUDICIAL DISTRICT COURT
GEORGE L. ALLEN COURTS BUILDING
600 COMMERCE STREET
DALLAS, TEXAS 75202-4604

February 21, 2017

JOHN DOE DRIVER
No Known Address

Cause No: DC-17-01804

TERRENCE J FOREMAN
vs.
JOHN DOE DRIVER, et al

ALL COUNSEL OF RECORD AND PRO SE PARTIES:

The above case is set for dismissal, pursuant to Rule 165A, Texas Rules of Civil Procedure and pursuant to the inherent power of the Court, on:

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Sincerely,

A handwritten signature in cursive script, appearing to read "David Walker".

District Judge,
101st Judicial District Court

CC: JOHN DOE DRIVER; MABE TRUCKING CO., INC.; LAWRENCE F ROLLE

CAUSE NO. DC17-01804

Terrence J. Foreman	§	IN THE COURT OF
	§	
Plaintiff,	§	
VS.	§	DALLAS COUNTY, TEXAS
	§	
John Doe Driver, et al	§	
Defendant.	§	101ST DISTRICT COURT

AFFIDAVIT OF SERVICE

On this day personally appeared Ira L. Henson who, being by me duly sworn, deposed and said:

"The following came to hand on Feb 21, 2017, 12:15 pm,

CITATION/PETITION,

and was executed at 1603 Mill Ave., Eden, NC 27288 within the county of Rockingham at 01:34 PM
on Fri, Feb 24 2017, by delivering a true copy to the within named

ROGER DALE MABE/REG. AGENT FOR MABE TRUCKING CO., INC. VIA
CERTIFIED MAIL/RETURN RECEIPT REQUESTED #7016 0750 0000 0825 6506

in person, having first endorsed the date of delivery on same.

I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."

My name is Ira L. Henson, my date of birth is 25-February-1954, and my address is P.O. Box 460323, Garland, TX 75046, and United States of America. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Collin County, State of TX, on March 01, 2017.



Ira L. Henson
SCH #605
Exp Nov '17

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To: **MABE TRUCKING CO INC**
BY SERVING ITS REGISTERED AGENT ROGER DALE MADSEN
1603 MILL AVENUE
EDEN NORTH CAROLINA 27288

FILED
17 MAR -3 PM 12:49

FELICIA PITRE
DISTRICT CLERK
DALLAS COUNTY, TEXAS
Deputy

ctt: 2/21 @ 12:15P #1285280

ESERVE

CITATION

DC-17-01804

TERRENCE J FOREMAN
vs.
JOHN DOE DRIVER, et al

ISSUED THIS
16th day of February, 2017

FELICIA PITRE
Clerk District Courts,
Dallas County, Texas

By: GAY LANE, Deputy

Attorney for Plaintiff
LAWRENCE F ROLLE
ROLLE BREELAND & WINGLER
2030 MAIN STREET SUITE 200
DALLAS TX 75201
214-742-8897

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **101st District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **TERRENCE J FOREMAN**

Filed in said Court **15th day of February, 2017** against

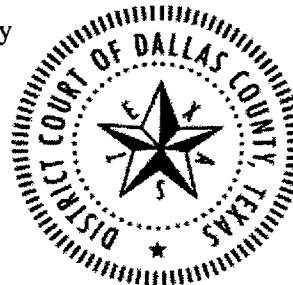
JOHN DOE DRIVER AND MABE TRUCKING CO INC

For Suit, said suit being numbered **DC-17-01804**, the nature of which demand is as follows:
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WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 16th day of February, 2017.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By /s/ Gay Lane, Deputy
GAY LANE



**DALLAS COUNTY
SERVICE FEES
NOT PAID**

OFFICER'S RETURN

Case No. : DC-17-01804

Court No. 101st District Court

Style: TERRENCE J FOREMAN

vs.

JOHN DOE DRIVER, et al

**SEE ATTACHED
AFFIDAVIT**

Came to hand on the _____ day of _____, at _____ o'clock _____ M. Executed at _____,
within the County of _____ at _____ o'clock _____ M. on the _____ day of _____,
20_____, by delivering to the within named

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by
me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20_____,
to certify which witness my hand and seal of office.

**SEE ATTACHED
AFFIDAVIT**

Notary Public _____ County _____

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mabe Trucking Co.
c/o Roger D. Mabe, Jr.
1603 Mill Ave.
Eden, N.C. 27288



9590 9402 2203 6193 2479 53

Article Number (Transfer from service label)

7016 0750 0000 0825 6506

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Blair M. Wray

☐ Agent☐ Addressee

B. Received by (Printed Name)

Blair M. Wray

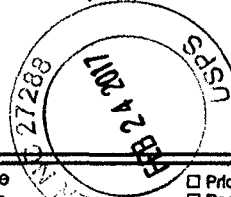
C. Date of Delivery

2-24-17

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

NII.8326

CAUSE NO. DC-17-01804

TERRENCE J. FOREMAN	§	IN THE DISTRICT COURT
	§	
v.	§	101st JUDICIAL DISTRICT
	§	
JOHN DOE DRIVER and MABE TRUCKING CO., INC.	§	DALLAS COUNTY, TEXAS

DEFENDANT MABE TRUCKING CO., INC.'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW **MABE TRUCKING CO., INC.**, Defendant named in the above-entitled and numbered cause, and files this its Original Answer, and for same would respectfully show unto the Court as follows:

I.**GENERAL DENIAL**

Defendant denies each and every, all and singular, the material allegations contained within Plaintiff's pleadings and demands strict proof thereof.

II.**SECTION 18.091**

Defendant invokes Section 18.091 of the Texas Civil Practice and Remedies Code. To the extent Plaintiff seeks recovery for loss of earnings, loss of earning capacity, loss of contributions of a pecuniary value or loss of inheritance, the evidence to prove such loss must be presented in the form of net loss after reduction of income tax payments or unpaid tax liability. Defendant further requests the court to instruct the jury as to whether any recovery for compensatory damages sought by Plaintiff is subject to federal or state income taxes.

III.

SECTION 41. 0105

Defendant invokes Section 41.0105 of the Texas Civil Practice and Remedies Code. To the extent Plaintiff seeks recovery of medical or healthcare expenses incurred, the evidence to prove such loss must be limited to the amount actually paid or incurred by or on behalf of Plaintiff. Defendant further requests the court to instruct the jury as to whether any recovery for medical or healthcare expenses sought by Plaintiff is limited to the amount actually paid or incurred by or on behalf of Plaintiff.

IV.

JURY DEMAND

In accordance with Rule 216 of the Texas Rules of Civil Procedure, Defendant demands a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Defendant **MABE TRUCKING CO., INC.** prays that the Plaintiff take nothing by this suit, that Defendant go hence with its costs without delay, and for such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

FEE, SMITH, SHARP & VITULLO, L.L.P

/s/Michael P. Scharp

MICHAEL P. SHARP

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(972) 934-9100

(972) 934-9200 (Fax)

ATTORNEYS FOR DEFENDANT

MABE TRUCKING CO., INC.

CERTIFICATE OF SERVICE

THIS WILL CERTIFY that a true and correct copy of the foregoing instrument has been mailed, telecopied or hand delivered to all attorneys of record in this cause of action on the 15th day of March, 2017 as follows:

Via www.efile.txcourts.gov

Larry Rolle

Rolle, Breeland, Ryan, Landau,

Wingler & Hindman

2030 Main Street, Suite 200

Dallas, TX 75201

/s/Michael P. Sharp

MICHAEL P. SHARP